IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23890 of 2005

Between:

Anumandla Raj Kumar

..... PETITIONER

AND

The Superintendent of Police,

Warangal, Warangal District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in interfering with the personal life and liberty of the petitioner without adopting the due process of law, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The grievance of the petitioner is that merely because of proceedings in CC No.538 of 2002 on the file of the Judicial First Class Magistrate Court, Narsampet, which is filed by one D.Goverdhan for the offence under Section 138 of Negotiable Instruments Act and under Section 420 of I.P.C are pending, the respondents cannot interfere with his personal life and liberty. It is further stated that at the instance of the said D.Goverdhan, respondents 2 and 3 are pressurizing the petitioner to pay the amount in dispute by interfering with his personal life and liberty. Without there being any warrant pending against the petitioner in the said case and without there being any complaint filed against the petitioner, the police personnel cannot interfere with the personal life and liberty of the petitioner.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to interfere with the personal life and liberty of the

petitioner without adopting due process of law. If there is any warrant is pending against the petitioner in the said CC No.538 of 2002 or if any report/complaint is filed against the petitioner, it is always open for the respondents to execute the same or register the same and investigate into, but without there being any due process of law, the respondents cannot interfere with the personal life and liberty of the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.11.2005

Dsr